

STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. M. T. THOMPSON, JR.
Judge, 70th District Court
111 S. Michigan Ave.
Saginaw, MI 48602

Docket No.

FORMAL COMPLAINT NO. 72

COMPLAINT

The Michigan Judicial Tenure Commission (“Commission”) files this complaint against Hon. M. T. Thompson (“Respondent”), 70th District Court Judge, in the City of Saginaw, Saginaw County, Michigan. This action is taken pursuant to the authority of the Commission under Article VI, Section 30 of the Michigan Constitution of 1963, as amended and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

Respondent is, and at all material times was, a judge of the 70th District Court in Saginaw, Michigan. As a judge, he is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205. Respondent is charged with violating his judicial and professional duties as set forth in the following paragraphs.

COUNT I: Direct Solicitation of Funds, Abuse of Judicial Position

1. In 1997 – 1998, Respondent began developing a Middle School Crime Prevention Program, called “Making Choices and Facing Consequences, which he continued to work on for five years. In December 1998 Respondent completed his initial proposals which he sent to over fifty (50) educators, criminal justice system professionals, and other opinion leaders. He also met with numerous individuals and groups to discuss his proposal.

2. In 2000, Respondent completed his initial set of program materials, including three workbooks and two videos for which he obtained copyrights.

3. In 2001, Respondent met, among others, with John Ferry, Jr., State Court Administrator, Kevin Bowling, Region III Administrator, and Donald Weatherspoon, Assistant Superintendent, Michigan Department of Education, to seek their support of his “Making Choices and Facing Consequences” program.

4. In approximately August – September 2001, Respondent completed an anti-bullying program called “Bullyproof” and decided to conduct an anti-bullying campaign to introduce his program to the educational community.

5. Respondent presented his programs at the Michigan Association of School Boards Meetings in Frankenmuth on July 20, 2001 and in Mackinac on August 24, 2001. He received \$1000 for speaking at each event.

6. Respondent used official 70th District Court stationery to personally solicit donations to produce and implement his programs as well as for business correspondence pertaining to the production of his materials.

7. On December 3, 2001, Respondent wrote a letter on 70th District Court stationery to Terry Pruitt, Manager, State Public Affairs, Dow Corning Corporation, requesting that Dow Corning contribute \$5000 toward his anti-bullying campaign.

8. On December 3, 2001, Respondent wrote a letter on 70th District Court stationery to Pete Shaheen, Horizons Conference Center, confirming Mr. Shaheen's verbal agreement to contribute more than half the total cost of the Saginaw Bar Association's Annual May 2, 2002 Law Day Banquet.

9. On January 24, 2002, Respondent wrote Helen M. James, Assistant Vice President & Trust Officer, Citizens Bank Trust Administrative Committee, on 70th

District Court stationery, to formally apply for a grant in the amount of \$10,000 to finance two activities he wished to initiate, an anti-bullying campaign packet of materials and an anti-bullying puppet show.

10. Respondent misrepresented in his letter to Ms. James, that the Michigan Department of Education, the Michigan Supreme Court acting through the State Court Administrative Office, and the Michigan Judicial Institute agreed to jointly sponsor “Making Choices and Facing Consequences” as a pilot program in ten to fifteen school districts throughout Michigan when none of the entities had agreed to do so.

11. Respondent telephoned John A. Decker, Esq., from Saginaw’s largest law firm, Braun Kendrick Finkbeiner P.L.C., to personally solicit a contribution to present an anti-bullying puppet show developed by Respondent and a group from his church, the Zion Puppet Warriors.

12. On January 7, 2002, Respondent wrote a letter to John A. Decker, on official 70th District Court stationery, following up on the telephone conversation and asking that his law firm donate \$3000.00 to underwrite the cost of the anti-bullying puppet production.

13. Respondent made the following misrepresentations in his letter to John

A. Decker:

- (A) Respondent misrepresented that it was the “Saginaw County Bar Association’s ‘formal request’ that Braun Kendrick Finkbeiner P.L.C. assist with our 2002 Law Day effort by underwriting the cost of our elementary school anti-bullying puppet production” when the Saginaw County Bar Association had neither authorized nor had knowledge of Respondent’s solicitation made purportedly on its behalf.
- (B) Respondent misrepresented that the Michigan Department of Education, the Michigan Supreme Court acting through the State Court Administrative Office, and the Michigan Judicial Institute agreed to jointly sponsor “Making Choices and Facing Consequences” as a pilot program in ten to fifteen school districts throughout Michigan when none of the entities in question had agreed to sponsor the program.

14. Respondent had brochures prepared advertising the Saginaw Bar Association Law Day and featuring his anti-bullying program without the approval of the Bar Association Law Day Committee.

15. On February 12, 2002, Respondent wrote a letter to Pat Sutton on 70th District Court stationery, after telephoning Dr Larry Hazen, to request that Anderson Eye Association sponsor or co-sponsor a benefit concert at Saginaw Valley State

University by the United States Air Force Orchestra's Strolling Strings which would cost approximately \$10,000.

16. On February 12, 2002, Respondent wrote a letter to Terry Niederstadt, executive Vice President and Regional Retail Executive of Citizens Bank, on 70th District Court stationery, to request that Citizens Bank sponsor or co-sponsor a benefit concert at Saginaw Valley State University by the United States Air Force Orchestra's Strolling Strings which would cost approximately \$10,000.

17. In addition to soliciting donations from Anderson Eye Associates and Citizens Bank, Respondent also solicited Dow Corning Corporation and Delphi Automotive Systems to underwrite the cost of having the United States Air Force Orchestra's Strolling Strings come to Saginaw for a benefit concert.

18. Respondent's name and judicial status were prominently featured at the top of advertisements for the benefit concert: "Honorable M.T. Thompson, Jr., 70th District Court presents: The United States AIR FORCE STRINGS . . . Join Judge Thompson and the Strolling Strings as we celebrate America!" Respondent was also listed, with his court address and telephone number, as the contact person for further information about the program.

19. Respondent solicited contributions to finance some of the events and activities involved in his Making Choices and Facing Consequences program, his anti-bullying campaign, and/or law day activities, including but not limited to an anti-bullying puppet show, from Citizen's Bank Trust Department, Dow Corning Corporation, Delphi Automotive Systems (G.M.), Braun Kendrick Finkbeiner P.L.C., and Horizons Conference Center.

20. Respondent also wrote letters on 70th District Court stationery concerning work for his projects and donations to fund them to other individuals and companies, including, but not limited to, Lucy Allen, President and CEO of the Saginaw Community Foundation, Mary Princing of Princing & Ewend, and Paul Pecora and Lori Maxson of Bresnan Communications.

Count II: Failure to Cooperate with Commission Investigation

21. On February 3, 2003, the Commission staff sent Respondent a letter that included a request for copies of his "Making Choices and Facing Consequences" and "Bullyproof" program/materials.

22. On February 6, 2003, Respondent telephoned the Commission Executive Director and objected to the request.

23. On February 20, 2003, Respondent sent a letter directed to the Executive Director in response to the staff's February 3, 2003 letter. He provided some additional information but refused to provide the materials, asserting they were irrelevant to the allegations of misconduct.

24. On March 20, 2003, Respondent was sent a subpoena requesting he provide the previously requested materials by March 31, 2003. He failed to comply.

25. The conduct described in paragraphs 1 through 24, if true, constitutes:

- (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;
- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended, and MRPC 8.4(c);
- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;

- (e) Failure to conduct oneself at all times in a manner that promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (f) Abuse of the prestige of office to advance personal business interests in violation of the Code of Judicial Conduct, Canon 3C;
- (g) Participation in civic and charitable activities that detract from the dignity of office or interfere with performance of judicial duties - Canon 5B
- (h) Individual solicitation of funds in violation of Canon 5(B)(2) and use of the prestige of judicial office to solicit funds
- (i) Misuse of court resources, in particular official 70th District Court letterhead;
- (j) Failure to fully cooperate with an investigation by the Commission by refusing to comply with a subpoena;
- (k) Conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, which reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of Rule 8.4 of the Rules of Professional Conduct; and
- (l) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); is contrary to justice, ethics, honesty, or good morals, contrary to MCR 9.104(3); and violates standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the

Commission within 14 days after service upon Respondent of the Complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN
3034 W. Grand Boulevard, Suite 8-450
Detroit, MI 48202

By: _____
Paul J. Fischer (P 35454)
Examiner

Anna Marie Noeske (P 34091)
Associate Examiner

Dated: August 7, 2003

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